

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

KENNETH WAYNE HART,

Defendant

CRIMINAL NO. PJM-17-376

STATUS REPORT

COMES NOW the United States of America, and pursuant to the Court's Order (ECF 210), states as follows:

1. On January 25, 2024, the U.S. Court of Appeals for the Fourth Circuit issued a published decision affirming in part, and reversing in part, this Court's previous judgment as to Defendant Kenneth Hart. 91 F.4th 732 (4th Cir. 2024). Specifically, the Fourth Circuit reversed this Court's denial of Mr. Hart's motion to dismiss Count Five and vacated his conviction on that count. The Court also vacated his total sentence and remanded for resentencing on all remaining counts, i.e. Counts 1, 2, 3, and 4.
2. On February 20, 2024, the Court issued an order directing the parties to file a status report on their positions on how to proceed. ECF 210.
3. The parties have since consulted via email.
4. The parties agree that the Court should set the matter in for resentencing and order the parties to submit revised sentencing memoranda with their positions in advance of resentencing. Further, Mr. Hart has indicated he would like to participate in resentencing in person. Accordingly, the government will have to coordinate with BOP to ensure his presence at resentencing. This could take a matter of several weeks. As such, the parties would respectfully request that the Court

provide proposed dates for resentencing and order the parties to submit sentencing memoranda in advance of said date.

Respectfully submitted.

Erek L. Barron
United States Attorney

/s/
Jason D. Medinger
Assistant United States Attorney
U.S. Attorney's Office
36 S. Charles Street, 4th Flr.
Baltimore, MD 21201
Tel. 410-209-4800